

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSE MARIA DeCASTRO,
a/k/a CHILLE DeCASTRO,
a/k/a DELETE LAWZ,

Plaintiff and Defendant-in-Counterclaim,

v.

JOSHUA ABRAMS a/k/a
ACCOUNTABILITY FOR ALL,

Defendant,

KATE PETER a/k/a MASSHOLE
TROLL MAFIA,

Defendant and Plaintiff-in-Counterclaim.

CASE NO. 1:22-cv-11421-ADB

**DEFENDANT KATE PETER'S OPPOSITION TO
PLAINTIFF'S MOTION FOR CONTEMPT**

"I will break them financially. They will have to hire a lawyer.
I will file motion after motion after and I'll just keep going legally after them until I break them, until they can't afford to hire a lawyer anymore so they run out of money.
That's what I'm gonna do, I'm gonna break them."¹

- Jose Maria DeCastro (emphases supplied)

i. Introduction

Defendant Kate Peter ("Ms. Peter") hereby opposes the Motion for Contempt ("Motion") and Shortening of Time of Plaintiff Jose Maria DeCastro, a/k/a Chille DeCastro, a/k/a Delete Lawz ("Mr. DeCastro").

Via the Motion, Mr. DeCastro continues to execute on his strategy of using this litigation

¹ This YouTube broadcast can be viewed at <https://youtu.be/XX-is5kJ6zQ?t=722>.

as a tool to seek to drain Ms. Peter financially, without regard to the merits. Even beyond his repeated attempts to mislabel Ms. Peter's speech as "harassment," he has persisted in filing serial motions on issues which the Court has already decided, see, e.g., ECF No. 67, and directed vitriol and scathing insults at Ms. Peter's attorneys. See ECF No. 58 (withdrawn), Exhibit 1, at 12 (Email to counsel, Nov. 7, 2022). At the same time, Mr. DeCastro has continued to contravene this Court's orders by seeking to leverage the threat of "doxxing" to extract affidavits from witnesses, among other harassing behavior. At bottom, nothing Ms. Peter has said violates this Court's orders, particularly where, as set out below, Ms. Peter was responding to Mr. DeCastro's antagonistic attacks and Mr. DeCastro has sought to harass and threaten witnesses and others.

The Court should deny the Motion and sanction Mr. DeCastro in the manner it finds appropriate.

ii. Relevant Factual and Procedural Background

A. The Parties' On-Line Conduct

Ms. Peter is a full-time residential property manager, mom of two children, aged 16 and 13, and, in her spare time, runs a YouTube channel called "Masshole Troll Mafia." Affidavit of Kate Peter ("Peter Aff.") at ¶ 1. In addition to her YouTube channel, Ms. Fisher operates a Discord server with 2,800 users. Id. at ¶ 11. Ms. Peter has no control over the Discord server. Id.

The posted rules in the Discord server, which Ms. Peter wrote and posted, state:

"By being in this server, you are agreeing to the following rules:

1. Do not harass other users. Brigading, repeated badgering, or prolonged personal attacks based on race, color, religious creed, national origin, ancestry, sex, gender identity, age, and dehumanizing attacks will not be tolerated.

2. No sharing of other users' private, personal information. This includes: Full name, birthdate, address, phone number, workplace, family members, and identifiable photographs. If you self-disclose any information listed, you understand you are doing so at your own risk. This is a public, open server.
3. No slurs of any kind will be tolerated. i.e. "N word, f-got word", etc.
4. If someone is bothering you, you have a block button and should use it before complaining to mods [*i.e.*, moderators].
5. If you're under 18 years old, get the f--- out of here. You will be banned immediately.
6. No child pornography. You will be reported to Discord and the appropriate authorities and be lifetime banned immediately.
7. No gore: photos or videos depicting animal abuse or death, child abuse, graphic violence, or death. Doing so will result in an immediate ban.
8. No photos of children, no discussing other people's children. It's f----- weird.

First offense: sent to the timeout room for 24 hours so you can sit and think about what you've done. Second offense: sent to the timeout room for 24 hours so no one has to deal with you. Third offense: Banned for 6 months. Repeat bans will result in a permanent ban at the moderators' collective discretion."

Id. at ¶ 12. Any comments or statements within the Discord server that abide by the above-stated rules are allowed. Id. at ¶ 11. Ms. Peter did not write nor direct any of her subscribers to write the comments on the Discord server that Mr. DeCastro has flagged for the Court in the Motion. Id. at ¶¶ 10-11. Nor do any of the statements violate the Discord server rules. Id. at ¶ 11.²

On November 12, 2022, Ms. Peter published a live stream video to YouTube entitled "Let's Celebrate! Ask Me Anything." Peter Aff. at ¶ 4. The "thumbnail" image for the video includes a photograph of a man without any context provided in the image, video title, or video contents. Id. At the time Ms. Peter posted the video, she did not know who the person in that

² In addition, Ms. Peter has strictly construed this Court's order not to delete or destroy anything that may be material in this case, ECF No. 51, and so, outside of blatant rule violations, Ms. Peter has removed no user generated messages from the Discord server in the event they are requested during discovery. Peter Aff. at ¶ 13.

image was, but nevertheless included a photograph of him (as a joke) because he had been entering group conference calls within Ms. Peter's Discord server to take clandestine recordings. Id. ¶ 5. Because she did not know who he was, at no time during the November 12th video did Ms. Peter identify, dox, mention, or discuss the person depicted. Id. It was only after Mr. DeCastro himself identified the person as Mark Adams in the Motion, ECF No. 61 at 2, that she, and the public at large, learned who he was. Peter Aff. at ¶ 5.

On November 13, 2022, Ms. Peter published a live stream video entitled "What To Do If You Get Doxxed – Chille Is A Quarter of a Man," as a direct result of Mr. DeCastro repeatedly, vowing to dox anyone who supports or views Ms. Peter's content. Peter Aff. at ¶ 6.³ In particular, over the course of several days prior to November 13th, Mr. DeCastro had been promising to obtain addresses of Ms. Peter's supporters through the court process and send "people" to their homes to harass them; promising to obtain her supporters' employment information so as to "get [them] fired;" vowing to "go after [their] families, children, brothers, sisters, mothers, friends," and threatening to send "Colombians" to their homes. Id. Thus, the November 13th video was not an attack on Mr. DeCastro; rather, it was a response to his threats and an opportunity for Ms. Peter to provide her supporters with instructions on how to properly respond to the "doxing" if and when Mr. DeCastro executed on his plan. Id. at ¶ 7. Mr. DeCastro was present in the "comments section" during the stream's live broadcast, antagonizing Ms. Peter further, including by issuing threats. Id.

³ Ms. Peter readily admits that publishing her November 13th video given the pending litigation was a lapse of judgment, although she in no way concedes that any of her statements therein violate this Court's orders. Peter Aff. at ¶ 4.

On November 13, 2022, Mr. DeCastro published his own live stream video entitled, “Wanna Play Ruff I like Ruff,”⁴ in which he shared his ongoing intent to use this lawsuit to destroy Ms. Peter, specifically:

- “Kate, I’m taking you down, baby. I’m taking down your Discord account, and you know what? You’re not gonna be able to pay me, Kate. I’m gonna get equitable relief. I’m gonna get you kicked off the Internet. I swear to God, Kate Peter, I won’t stop till I take you off the internet. Oh, she’s, because she’s a woman, because she’s a woman. No. Because she’s, a, just because she’s a terrible person. Because she’s a terrible person.” (23:59 – 24:20)

Peter Aff. at ¶¶ 8-9.

In that same video, Mr. DeCastro also reiterated his intent to dox third parties whom he believes have some connection to Ms. Peter, including, without limitation, by stating:

- “You are in my head. I can’t wait to dox the next person tomorrow. And tomorrow is a big troll. Tomorrow is a big troll, tomorrow we dox someone, we put their information out, I put the, I’m putting everything. Your parents don’t get away. Your family doesn’t get away. Nobody gets away. I dox everything about you; your address, your job, your phone number. Everything. I put everything out there. I just don’t put it on YouTube, because, you know why? I don’t want to get in trouble, but I’m putting all your information out there on the back channels.” (39:39 – 40:09)
- “And I’m gonna put a picture up of their house. I’m gonna put a picture up of their full, everything about them. I’m gonna dox them entirely. And by the way, I’m not just doxing here, I’m doxing you on the back channels, too. On every back channel I have, I’m sending your information off to everybody I have. You guys want to play? Let’s Play. I’m on vacation, I got plenty of time right now.” (49:37-49:59)

Peter Aff. at ¶ 10.

On November 14, 2022, Mr. DeCastro filed the instant Motion for Contempt, alleging that Ms. Peter violated this Court’s orders (1) by “doxing and harassing members of [his] legal

⁴ Since Mr. DeCastro posted this video, he has set it to “private” such that it is no longer publicly available. On information and belief, Mr. DeCastro has changed the accessibility of this video to shield it from the Court’s view. Nevertheless, Ms. Peter has preserved a copy of that video at the attached link: <https://www.youtube.com/watch?v=EwqZArtuMfw>.

team” in connection with her November 12, 2022 YouTube video; (2) by making certain statements in her November 13, 2022 YouTube video; and (3) via a “Discord group messaging server.” ECF No. 61.

Since he filed the Motion, Mr. DeCastro has also reached out to Ms. Peter directly, without including her attorney on the communications, and threatened to file additional lawsuits against her in other states unless she does as he says. Peter Aff. at ¶ 14.

B. Mr. DeCastro’s Threats of a Third-Party Witness

On October 21, 2022, this Court ordered the parties “not to engage in any threatening, harassing, illegal, or otherwise inappropriate behavior when engaging with each other, or with any individual or entity that may have knowledge pertaining to this matter. . .” ECF No. 33. On October 24, 2022, after a hearing on various motions, this Court “reminded” the parties of “their obligation to comply with the Court’s Order on October 21, 2022” and “further advised that failure to adhere to the Order may result in, among other possible sanctions, monetary fines.” ECF No. 43.

On November 2, 2022, this Court ordered as follows:

To be clear, the parties are not to destroy or otherwise compromise any evidence relevant to this case. Further, the Court strongly recommends that the parties not harass, disparage or otherwise act unkindly to each other or any potential witnesses in this matter. It is the suggestion of the Court that, going forward, when faced with questions of conduct, all parties to this litigation and their associates harken back to the lessons they learned in elementary school about getting along with others, proper behavior, and cooperation and act in accord with those lessons, hopefully without constant recourse to the Court.

ECF No. 51.

Despite this Court’s Orders, on October 29, 2022, Mr. DeCastro posted a four-hour YouTube video in which he explained the many ways in which he intended to “go after” a third-

party witness in this case.⁵ A small sampling of Mr. DeCastro's comments directed at the third-party witness, some of which threaten physical violence, follows:

- He's going to go down. I'll send you his info, these people are so lucky that we're not in a third-world country, they don't get it, they don't understand. They were built for being a keyboard Warrior I was built for the actual war.
<https://youtu.be/NcPvPvfKKI8?t=3763>
- hahaha, liar, let's see how you do when I publish the video on Monday. And then I just remind him that I'm gonna send, uh, I'm gonna put a picture of his face out online. I sent him a clip of the video because ***I want him to understand that he needs to work with me***, and not work with these disgusting Troll mafias I can make an example out of you, ***I'm going to track you down***.
<https://youtu.be/NcPvPvfKKI8?t=8868> (emphasis supplied)
- [Y]ou might want to think about your identity being leaked you might want to think about how you can be creative and work with me it's the only way or I'll just publish your identity and we'll figure out who you are, pretty bold.
<https://youtu.be/NcPvPvfKKI8?t=9100>
- The Limelight...when everybody's coming at you it doesn't, you know there's not actually a mob outside your door but the first time, the first time it really blows up on you and everybody, your family your friends internet co-workers everybody is coming at you the first time it really blows up on you it feels like they're standing outside of your front door it's it's that you can't imagine the pressure, people think it's funny to pile on to people who are getting bombarded with garbage and they don't even consider if they would want that done to them. ***This is going to get you fired, and I really don't want to, if this is going to get you fired I really don't want to do this. I told him this over a month ago. a month ago. just give me an affidavit and work with me, and I don't want to publish any of this***, he has continued to bullshit me and showed up for court in with Kate and just wait, he's going to send me hand-picked troll receipts here in a second wait till you see this. <https://youtu.be/NcPvPvfKKI8?t=10120> (emphasis supplied)
- When you get fired, remember that you kept your pride. I'll get all of you, I'm never gonna stop coming. You can choose to sidestep me, or you can choose to stay in my path. <https://youtu.be/NcPvPvfKKI8?t=10511> (2:55:11- 2:56:07)
- Are your parents still alive? Brothers and sisters? They're going to hear that, and across the screen it's going to say this man is lying, and then it's going to show your text messages. If that's what you want, that's what you're about to get. Can't

⁵ For the background on the relationship between Messrs. Lyon and DeCastro, Ms. Peter respectfully refers the Court to the affidavits Mr. Lyon filed in support of motions she previously filed with this Court. See ECF Nos. 37, 41.

do it tomorrow, it's going to take me a few hours to put it together. No, no this has taken me days and days to put this together. I think it goes more viral on Reddit, crazy text messages, Facebook, crazy, I'm gonna have to edit.

<https://youtu.be/NcPvPvfKKI8?t=10619>

- You acted like my buddy. The team's not gonna stop you from getting fired, okay dude I'm wasting your time. I really do have to do what I'm doing, I gave you my word. I gave you my fucking word, you have been a fraud this entire time, do you even understand Bitcoin? Come clean, send me the receipts, send me a picture of your Bitcoin wallet and show me the spike. You know there's no names, right? Come on, on your text there are. Wake up, Todd, this is over. ***You don't have to be the collateral damage, and I only want her [i.e., Ms. Peter] and Josh [Abrams, the co-defendant in this case].*** I just need the proof. I don't want to go at you, not my fun, but that's the problem we have you walk away from this, they go down from this text chain. <https://youtu.be/NcPvPvfKKI8?t=11070> (emphasis supplied).

Peter Aff. at ¶ 3.

iii. Standard of Review

The Court has inherent power to hold parties in contempt. AngioDynamics, Inc. v. Biolitec AG, 946 F. Supp. 2d 205, 212 (D. Mass. 2013), aff'd and remanded in part, 780 F.3d 420 (1st Cir. 2015). Civil contempt may be imposed to either compel compliance with a court order or to compensate a party harmed by another's non-compliance. McComb v. Jacksonville Paper Co., 336 U.S. 187, 191 (1949).

The elements of civil contempt are well-established. To prove civil contempt, a movant must show with clear and convincing evidence that, “(1) the alleged contemnor had notice of the order, (2) the order was clear and unambiguous, (3) the alleged contemnor had the ability to comply with the order, and (4) the alleged contemnor violated the order.” AngioDynamics, 946 F. Supp. 2d at 212 (quoting Hawkins v. Dep't of Health & Human Serv., 665 F.3d 25, 31 (1st Cir. 2012)). Each of these prongs is easily satisfied here.

iv. Argument

I. MS. PETER HAS NOT VIOLATED THIS COURT’S ORDERS.

Mr. DeCastro claims that Ms. Peter violated this Court’s Orders on three occasions, none of which, when viewed in context and in light of Massachusetts jurisprudence, rings true. Although Ms. Peter was rude to Mr. DeCastro, in the context of responding to Mr. DeCastro’s threats and antagonism, nothing she said amounts to harassment.

First, Mr. DeCastro alleges that, in a November 12, 2022 YouTube video, Ms. Peter is “doxing and harassing members of [his] legal team,” *i.e.*, “Mark Adams,” whom Mr. DeCastro claims is a “forensic investigator that is transcribing videos for me.” ECF No. 61 at 2. Ms. Peer never “doxed” anyone. Ms. Peter did publish a live stream video on November 12th, and in the thumbnail for the video used an image of a man whose identity she did not know at the time. Peter Aff. at ¶¶ 4-5. Indeed, at the time Ms. Peter published the video, she understood only that this man had been entering group conference calls within her Discord server to take clandestine recordings. Id. at ¶ 5. She did not know that this person was in any way affiliated with Mr. DeCastro. Id. at ¶ 4. More importantly, at no time in the November 12th video did Ms. Peter identify the individual depicted in the thumbnail image, nor mention or discuss him in any way. Id. at ¶ 5. As a result, Ms. Peter certainly did not harass or “dox” that person (*i.e.*, publicly identify him by name, address, and/or other personal information). Id. Mr. DeCastro’s statements to the contrary should therefore be disregarded. In fact, *Mr. DeCastro* first made Mr. Adams’ identity public by identifying Mr. Adams in the Motion as the person depicted in the thumbnail image. Id. Ms. Peter therefore did not violate any of the Court’s orders with respect to the November 12th video.

Second, Mr. DeCastro alleges that Ms. Peter made a number of statements in a November 13, 2022 video “directly to” Mr. DeCastro that are harassing and that violate the Court’s orders. ECF No. 61 at 2-3. When viewing Ms. Peter’s statements in context, Mr. DeCastro has clearly cherry picked those times in the video where Ms. Peter’s language was less than polite when, in reality, Ms. Peter became less polite because she was reacting to Mr. DeCastro’s professed intent to “dox” all of Ms. Peter’s supporters. Id.

Over the course of several days prior to Ms. Peter’s publication of the November 13th video, Mr. DeCastro vowed to “dox” anyone who supports or views her content, including, without limitation, by vowing to obtain addresses of Ms. Peter’s supporters through the court process and sending “people” to their homes to harass them; vowing to obtain her supporters’ employment information with the intent to contact employers and “get [them] fired;” vowing to “go after [their] families, children, brothers, sisters, mothers, friends;” and threatening to send “Colombians” to their homes. Id. at ¶ 6. The November 13th video was Ms. Peter’s attempt to provide instructions to her followers on how to properly respond to any “doxing” attempt by Mr. DeCastro. Id. at ¶ 7. In so doing, Ms. Peter expressed, albeit in an admittedly vulgar and confrontational fashion, that Mr. DeCastro’s actions were carried out with the sole intent to intimidate and undermine her and should not be feared. Id. In addition, Mr. DeCastro was present throughout the November 13th live stream in the “comments section,” and repeatedly antagonized and threatened Ms. Peter. Id.

Even so, none of the statements that Mr. DeCastro has culled from the November 13th video rises to the level of “harassment” as defined under Massachusetts law. Indeed, the Court of Appeals for the First Circuit has explained (in the employment discrimination context) that, to be actionable, “harassment must be ‘objectively and subjectively offensive’” and what “a

reasonable person would find hostile or abusive.” *Noviello v. City of Boston*, 398 F.3d 76, 92 (1st Cir. 2005) (quoting *Faragher v. City of Boca Raton*, 524 U.S. 775, 786 (1998)). “Rudeness or ostracism standing alone” and/or “occasionally unpleasant” conduct is not sufficient. *Id.* (citations omitted). It is no secret that there is no love lost between Ms. Peter and Mr. DeCastro, and that certain of Ms. Peter’s statements may have been defensive, uncouth, and/or impolite but no reasonable person would consider the statements, *in the context in which they were made*, to rise to the level of actionable harassment under Massachusetts law. It follows then that these statements do not violate this Court’s orders.

Third, Mr. DeCastro claims that “[o]n the Discord group messaging server that Peter operates, where Peter’s associates, at Peter’s direction, and certainly facilitated by the Discord server that Peter operates, there have been numerous threats toward me and members of my legal team.” ECF No. 61 at 3. These allegations are baseless. While Ms. Peter does operate a Discord server, it is an open forum with 2,800 users, none of whom are under her direction or control. Peter Aff. at ¶ 11. Ms. Peter had no part in the posting of any of the comments Mr. DeCastro has flagged for the Court. *Id.* at ¶ 13. To be clear, Ms. Peter neither herself wrote nor directed any of her followers and/or supporters to make the at issue comments. *Id.* Indeed, the only authority Ms. Peter has over the content of what others share or post on the Discord server is through enforcing a set of basic rules, set forth above. *Id.* at ¶ 12. Ms. Peter allows (and does not moderate) any speech in the server that abides by those rules, and none of the third-party comments Mr. DeCastro has identified for the Court violate the server rules. *Id.* at ¶ 13. Accordingly, even if Ms. Peter had any part in the posting of these comments, and she did not, she allowed them to remain on the server. *See id.* Ms. Peter is aware of no court order that extends in any way to the conduct of third parties over which Ms. Peter has no control.

For the above stated reasons, Ms. Peter has not violated any of the Court's orders and the Motion should be denied. Unlike Mr. DeCastro, Ms. Peter takes the Court's orders very seriously.⁶

II. MR. DECASTRO SHOULD BE FOUND IN CONTEMPT OF COURT.

Indeed, notwithstanding this Court's orders prohibiting such conduct, it is Mr. DeCastro that has engaged in rampant "threatening, harassing, illegal, [and] otherwise inappropriate behavior" towards both Ms. Peter and third parties. ECF No. 33.

By way of example only,⁷ on November 13, 2022, Mr. DeCastro posted a public video in which he openly expressed his oft-stated desire to use this lawsuit to destroy Ms. Peter and drain her resources. Peter Aff. at ¶ 9. Among other threats, Mr. DeCastro "swear[s] to God" he "won't stop" until he "take[s her] off the internet." Id. Despite this Court's clear directive to the contrary, Mr. DeCastro has also been contacting Ms. Peter directly, without copying the undersigned, and threatened additional legal action outside Massachusetts unless Ms. Peter submits to his demands. Id. at ¶ 14. It is thus clear that Mr. DeCastro is not only seeking to abuse the court system in Massachusetts, but in other states as well, all in an effort to ruin Ms. Peter and deplete her resources. And Mr. DeCastro has not limited his ire to Ms. Peter; he has committed himself to threatening, harassing, and exposing any and all third parties whom he believes have some connection to Ms. Peter.

On October 29, 2022, for instance, Mr. DeCastro posted a four-hour YouTube video in which he explained the many ways in which he intended to "go after" a third-party witness in

⁶ Ms. Peter notes that she has endeavored to also abide by that portion of the Court's order advising the parties not to seek constant recourse from the Court, but Mr. DeCastro has forced her hand.

⁷ To be clear, Mr. DeCastro has violated this Court's orders in too many ways to count, much less fit into a pleading. For purposes of the Cross-Motion, and in an effort not to burden this Court, Ms. Peter highlights only some of the more egregious examples.

this case, in direct contravention of this Court’s October orders. Peter Aff. at ¶ 3. Portions of his tirade against this third-party witness are listed above, but, in short, Mr. DeCastro is committed to doxing that individual, showing up at his house, getting him fired, and contacting his family members, all because this witness deigned to speak out about Mr. DeCastro’s harassment. Id.; see ECF Nos. 37, 41. In his November 13th video, moreover, Mr. DeCastro explicitly harasses and/or discusses his intent to dox other third parties whom he believes have some connection to Ms. Peter. Peter Aff. at ¶ 10. In fact, in that video, Mr. DeCastro expresses his strategy of “put[ting] . . . information out” about a person as well as their “parents” and “family” on “back channels” because he “*doesn’t want to get in trouble.*” Id. (emphasis added).

Mr. DeCastro is executing on his declared strategy from the outset of this litigation of filing seriatim pleadings regardless of merit, and of whether he wins or loses, in order to annihilate Ms. Peter.

iv. Conclusion

For the above stated reasons, Ms. Peter respectfully requests that this Court deny Mr. DeCastro’s Motion for Contempt and sanction Mr. DeCastro.

Respectfully submitted,

KATE PETER,

By her attorney,



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Dated: November 28, 2022

CERTIFICATE OF SERVICE

I, Benjamin J. Wish, hereby certify that this document has been filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and I caused the foregoing document to be served via email upon the following *pro se* litigant and have further served him a copy via U.S. Mail:

Jose Maria DeCastro (*Pro Se*)
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/s/ Benjamin J. Wish

Benjamin J. Wish